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46333 7590 07/25/2008

HAYNES AND BOONE, LLP
 901 MAIN STREET, SUITE 3100
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Diane Sutton	(Depositor's name)
<i>Diane Sutton</i>	(Signature)
October 14, 2008	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,961	04/16/2004	David R. Miller	41914.97	8211

TITLE OF INVENTION:

SPINAL DIAGNOSTIC AND METHODS AND APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES NO	\$720 1510	\$300	\$4020 1810	10/27/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
BOUCHELLE, LAURA A.	3763	604-500000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
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2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
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- 1 HAYNES and BOONE, LLP
- 2
- 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Kyphon SARL

NEUCHÂTEL, SWITZERLAND

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies

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5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☒ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Authorized Signature

J. Richard Konneker

Date

OCTOBER 14, 2008

Typed or printed name J. Richard Konneker

Registration No. 28,867

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